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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,077	02/17/2004	Earl Jenevein	J04-1014	9497

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EXAMINER

BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,077

Applicant(s)

JENEVEIN ET AL.

Examiner

Charles I. Boyer

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/04
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1, and 11-13 are objected to because of the following informalities:
tetradecyltrimethylammonium bromide is listed twice in lines 2 and 6. cetrimonium chloride and cetyltrimethylammonium chloride are identical compounds. Lines 11, 12, and 16 contain numerous misspellings such as "hydroxyethymmonium, methusulfate, elalkonium, myrystamine, stearamin, and acide." Some or all of these errors also appear in claims 11 and 13. Claim 12 is dependent on claim 12. Appropriate correction is required.
2. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 is broader than claim 1.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 2, 6, 9, 12, 17, 22, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 1751

5. Claim 2 contains a salt, however, there is no antecedent basis for this limitation in the claim.
6. Each of claims, 6, 9, 12, and 22 contain 2-butoxyethanol, however none of these claims have antecedent basis for this limitation.
7. Claim 17, containing the phrase "said step of further comprising the step of," renders the claim incomprehensible. The claim should be rewritten.
8. Claim 24 contains polyvinyl alcohol, however, there is no antecedent basis for this claim limitation
- 9.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-5, 7, 8, 13-21, 23, and 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Morelli et al, US 6,524,624.
12. Morelli et al teach two-part disinfecting systems, an example of which comprises isopropanol (meets the dispersant and alcohol limitations of the claims) and tetrasodium ethylenediamine tetraacetate (meets the cleaning member and chelator limitations of the claims) (col. 8, example 1). Another example comprises polyvinyl alcohol and tetrasodium ethylenediamine tetraacetate (col. 10, example 4). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

13. Claims 1-5, 13-15, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Mowdood, US 3,926,910.

14. Mowdood teaches a method for reducing buildup on reactor equipment, an example of which comprises polyvinyl alcohol and tetrasodium ethylenediamine tetraacetate (col. 2, example 4). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

15. Claims 1-4, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Moseman, US 4,589,994.

16. Moseman teaches a foot cleaning composition comprising ethanol, isopropanol, lauryl dimethyl amine oxide, and tetrasodium ethylenediamine tetraacetate (col. 4, table I). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

17. Claims 1-4, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tavss et al, US 4,451,385.

18. Tavss et al teach a shampoo composition comprising ethanol, cocomonoethanolamide, and tetrasodium ethylenediamine tetraacetate (col. 4, table I). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

19.

Allowable Subject Matter

20. Claims 11 and 12 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

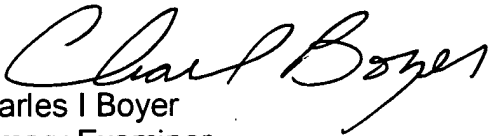
21. Claims 6, 9, 10, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
Art Unit 1751